

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 23-80994-CIV-CANNON/Reinhart

RACQUEL ROACHE,

Plaintiff,

v.

**BAPTIST HEALTH
SOUTH FLORIDA, INC.,**

Defendant.

**ORDER ACCEPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
AND GRANTING IN PART PLAINTIFF’S RENEWED MOTION TO AMEND**

THIS CAUSE comes before the Court upon the Magistrate Judge’s Report and Recommendation on Defendant’s Motion to Dismiss (the “Report”) [ECF No. 24], filed on October 26, 2023. Upon review, the Report is **ACCEPTED** [ECF No. 24]; Defendant’s Motion to Dismiss [ECF No. 8] is **GRANTED**; and Plaintiff’s Motion to Amend [ECF No. 25] is **GRANTED IN PART** [ECF No. 25].

BACKGROUND

On July 3, 2023, Plaintiff filed the operative Complaint in this matter, alleging employment discrimination against Baptist Health South Florida, Inc. (“Baptist Health”), the sole defendant [ECF No. 1]. On July 26, 2023, Defendant moved to dismiss the Complaint, arguing that Baptist Health was not a proper defendant because Boca Raton Regional Hospital (“Boca”), not Baptist Health, was Plaintiff’s employer [ECF No. 8]. Plaintiff subsequently moved to amend her Complaint, seeking leave to add Boca as a Defendant alongside Baptist Health under a joint employer theory [ECF No. 12 p. 2]. The Court denied the motion to amend to the extent that

Plaintiff sought to retain Baptist Health as a defendant, noting that any such amendment would be futile given the absence of a joint employer relationship between Baptist Health and Boca [ECF No. 20 p. 4]. Plaintiff then responded to Defendant's Motion to Dismiss [ECF No. 21], and Defendant filed a Reply [ECF No. 22].

On October 26, 2023, following referral, Magistrate Judge Reinhart issued a Report recommending the Court grant Defendant's Motion to Dismiss [ECF No. 24 p. 3; *see* ECF No. 8]. Objections to the Report were due on November 9, 2023 [ECF No. 24 p. 3]. No party has filed objections, and the time to do so has expired. Instead, Plaintiff filed an Unopposed Renewed Motion to Amend Complaint [ECF No. 25], requesting to substitute Boca as the Defendant in this matter and to terminate Baptist Health as a defendant [ECF No. 25 p. 2].

LEGAL STANDARDS

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

DISCUSSION AND CONCLUSION

Following review, the Court finds no clear error in the Report. The Court also finds good cause to grant Plaintiff's Unopposed Renewed Motion to Amend Complaint [ECF No. 25] in accordance with this Order as stated below. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation [ECF No. 24] is **ACCEPTED**.
2. Defendant's Motion to Dismiss Plaintiff's Complaint [ECF No. 8] is **GRANTED**.
3. Plaintiff's Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**.
4. Plaintiff's Unopposed Renewed Motion to Amend Complaint [ECF No. 25] is **GRANTED IN PART AND DENIED IN PART**.
 - a. Plaintiff's Motion [ECF No. 25] is **granted** to the extent that Plaintiff shall file an Amended Complaint substituting Boca as the defendant in this suit.
 - b. Plaintiff's Motion [ECF No. 25] is **denied** to the extent that Plaintiff "[r]eserves the right to move to amend the complaint again to add Baptist as a defendant if the discovery in this case shows, as Plaintiff expects, that Baptist is a proper defendant" [ECF No. 20 p. 3].
5. **On or before November 16, 2023**, Plaintiff shall file the previously attached First Amended Complaint [ECF No. 25-1] as a separate entry on the docket.
6. **This is Plaintiff's final opportunity to amend her Complaint.**
7. The Clerk is **DIRECTED** to terminate Baptist Health South Florida, Inc. as a defendant in this matter.

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DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 14th day of November
2023.

A handwritten signature in black ink, appearing to read 'Aileen M. Cannon', is written over a horizontal line.

AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record